IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

W.A.No.744 of 2005

(AGAINST JUDGMENT DATED 16.11.2004 IN W.P.(C).NO.33205 OF 2004)

APPELLANT: FIRST PETITIONER IN WP(C):-

RAJAN.K. PUTHUPPARAMBIL, KALLOLI PO,
ARUVAPPULAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: RESPONDENTS IN WP(C):-
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1. THE DEPUTY DIRECTOR OF PANCHAYATH,
PATHANAMTHITTA.

2. THE ARUVAPPULAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, ARUVUPPULAM.

3. THE SECRETARY,
ARUVUPPULAM GRAMA PANCHAYATH, ARUVUPPULAM.

R1 BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.744 of 2005 & C.M.Appln.No.725 of 2005

Dated, this the 8th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

Delay condoned.

2. We are in complete agreement with the view taken by the learned Single Judge. The petitioners would have no legal right with regard to the relief claimed. Petitioners prayed that in the matter of lifting sand from Achankovil River within the area of 2nd respondent Panchayat, lorries from the nearby Panchayat be excluded and priority be given to the local lorries. Lifting of sand by lorries of same area or nearby area cannot be said to be even a semblance of a right. There is no merit in this appeal. Dismissed. I.A.No.1123 of 2005 does not survive.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-